

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 94-563-C - ORDER NO. 94-1211✓
NOVEMBER 21, 1994

IN RE: Request of Southern Bell Telephone &) ORDER
Telegraph Company for Approval of Sale) DENYING
and Transfer of Assets to PAGESOUTH.) MOTION

This matter comes before the Public Service Commission of South Carolina (the Commission) on the Motion of Southern Bell Telephone & Telegraph Company (Southern Bell) to approve the sale of certain assets without a hearing.

Southern Bell made Application on August 22, 1994, requesting that the Commission approve the sale of certain assets used to conduct a paging business in South Carolina to Arch Southeast Communications, Inc. DBA PAGESOUTH. Southern Bell notes that the date for intervention expired on October 20, 1994 without the intervention of any interested party in the proceeding. Southern Bell also notes that it has not been experiencing and does not expect to experience any net positive revenue contribution from its paging business in South Carolina, that PAGESOUTH has been a marketing representative for Southern Bell's paging business in South Carolina since March 1987, and that Southern Bell is exiting the paging business in all states in its operating territory. Southern Bell believes that since there are no other intervening

parties, it would be unnecessary and inefficient to require that a hearing be held with regard to this matter. Southern Bell therefore requests that the Commission grant its Motion and approve the the sale of the paging assets without conducting a hearing with regard to this matter.

The Commission takes administrative notice of S.C. Code Ann. §58-9-310, which states that, no telephone utility without approval of the Commission after due hearing and compliance with all other existing requirements of the laws of the state in relation thereto shall sell, transfer, lease, consolidate, or merge its property, powers, franchises, or privileges, or any of them. The Commission believes that this statute is applicable in the case at bar and requires a hearing the matter. For this reason, the Commission believes that Southern Bell's Motion to approve the sale of assets without a hearing must be denied. Staff, however, shall set this matter for hearing as soon as possible. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Executive Director

(SEAL)